

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DISH NETWORK L.L.C., ECHOSTAR :
TECHNOLOGIES, L.L.C. AND NAGRASTAR, L.L.C., :

Plaintiff, :

- against - :

VITO GASSO a/k/a RICKY GASSI d/b/a PRESTIGE :
ELECTRICAL & SURVEILLANCE CO. d/b/a RAPID :
SATELLITE CO. d/b/a RICKY'S FTA, :

Defendant. :
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ORDER

08-CV-4111 (ENV) (JMA)

VITALIANO, D.J.

Plaintiffs DISH Network L.L.C., Echostar Technologies, L.L.C., and NagraStar, L.L.C. filed this action against defendant Vito Gassi a/k/a Ricky Gassi, d/b/a Prestige Electrical & Surveillance Co., and d/b/a Ricky's FTA, alleging the defendant violated § 605 of the Federal Communications Act of 1934. See 47 U.S.C. § 605. Plaintiffs specifically allege that defendant sold and distributed satellite television descrambling devices without plaintiff's authorization.

Defendant was served with the Complaint on October 31, 2008. After defendant failed to answer or otherwise respond to the Complaint, plaintiffs moved for default judgment on March 20, 2009. On August 5, 2009, the Court entered a default judgment against defendant. The action was subsequently referred to Magistrate Judge Joan M. Azrack, to conduct an inquest.

Following a hearing, Magistrate Judge Azrack issued a Report and Recommendation ("R&R"), on October 27, 2009, recommending that, pursuant to 47 U.S.C. §§ 605(e)(3)(C)(i), a judgment be entered against the defendant in the amount of \$22,817.50, reflecting \$20,000.00 in

statutory damage, as well as \$2817.50 in for attorney fees, plus costs. Magistrate Judge Azrack further recommended that plaintiffs' request for a permanent injunction be denied. The R&R was served on defendant on January 26, 2010. No objections to Magistrate Judge Azrack's R&R have been timely filed.

In reviewing a report and recommendation, the court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge's report and recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of all the evidence in the record below, the Court finds Magistrate Judge Azrack's Report and Recommendation to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court. Accordingly, for the reasons stated in the R&R, the plaintiff is awarded \$20,000.00 in statutory damages and \$2817.50 in attorney fees and costs, for a total of \$22,817.50.

The Clerk is directed to enter Judgment in accordance with this opinion and to close this case.

SO ORDERED.

DATED: Brooklyn, New York
February 22, 2010

s/ Judge Eric N. Vitaliano

ERIC N. VITALIANO
United States District Judge